

REMARKS

Claims 24, 26, 28, 34-36 and 51-80 are now pending in the case, claims 5-7, 10-23, 25, 27, 29-33, and 37-50 having been newly cancelled and claims 51-80 newly added by the above amendment. (Thus, more claims are cancelled than added.) The amendments to claims 24 and 26 regarding 95% identity are supported in the specification, e.g., at pages 12-13, carryover sentence, and page 11, lines 20-22, respectively. The limitation added to claim 28 is derived from claims 29 and 30 (now cancelled). The amendment to claim 36 is derived from claim 38 (now cancelled). New claims 51-56 are identical to claims 24, 26, 28, and 34-36, respectively, except that the polypeptide is "substantially pure" instead of "isolated." The term "substantially pure" is defined in the specification at page 14, lines 1-5. New claims 57-80 are drawn to methods of using the polypeptides of claims 24, 26, 28, 34-36, and 51-56. These method claims are based upon originally presented claims 17, 18, and 21-23, which were restricted out by the Examiner early in prosecution and are now cancelled. No new matter has been added.

The Office action mailed March 19, 2004, rejected claims 24-29, 31-32, 36-37, and 39-50 under 37 USC §112, paragraph one. Claims 30, 33-35 and 38 were said to be allowable if rewritten in independent form. Although Applicants disagree with the grounds for the rejection, in order to expedite allowance the claims have been amended to present independent claims (claims 24, 28, and 34-36) that incorporate the limitations of claims 30, 33-35 and 38 (note that claims 34 and 35 were already in independent form, and thus have not been amended). These claims 24, 28, and 34-36 are therefore presumably allowable.

In a telephonic interview between the Examiner and the undersigned on June 7, 2004, it was agreed that amending claim 26 to specify 95% instead of 80% identity would remove the rejections of that claim as well. Claim 26 has been so amended.

New composition claims 51-56 repeat the limitations of the above presumably allowable claims (claims 24, 26, 28 and 34-36), except using the term "substantially pure polypeptide" instead of "isolated polypeptide." "Substantially pure", which is explicitly defined in the

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specification at page 14, lines 1-5, is an alternative way to ensure that the claims do not read on a product of nature. It is believed that these are allowable as well.

New method claims 57-80 depend from what Applicants understand to be allowable composition claims. They therefore are in a form suitable for rejoinder and allowance. In the telephonic interview on June 7, 2004, the Examiner agreed to rejoin appropriate method claims once the composition claims were found to be allowable.

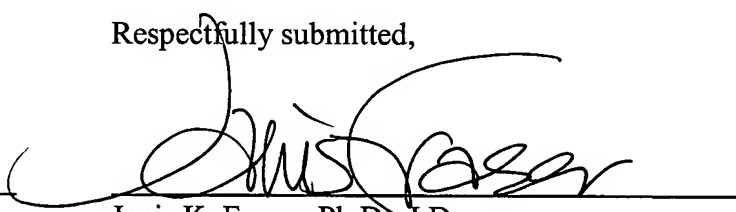
In view of the above amendments and remarks, withdrawal of the rejections and allowance of all of the pending claims are respectfully requested. If any issues remain, the Examiner is asked to telephone the undersigned in order to resolve them expeditiously.

Enclosed is a \$86.00 check for excess claim fees. Apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

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